

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF MISSISSIPPI
GULFPORT DIVISION**

IN RE:	*	CHAPTER 13
JOHN BRIAN BERGERON	*	CASE NO. 19-50859-KMS
Debtor.	*	

OBJECTION TO CONFIRMATION

Now comes Creditor, AMERIS BANK, by and through its attorneys, Kent McPhail & Associates, LLC, and objects to confirmation of the Debtor's proposed plan and in support thereof states as follows:

1. Creditor is a secured creditor in the above referenced Chapter 13 proceeding with an interest in Real Property located at 409 Park Ave North, Tifton GA 31794.
2. Creditor objects to Debtor's plan to the extent that the plan does not provide for this debt.
3. Considering the factors set forth in Kitchens v. Georgia Railroad Bank & Trust, 702 Fed. 2d 885 (11th Circuit 1983) and considering the totality of the circumstances, Creditor asserts that the debtor's plan is neither filed nor proposed in good faith and violates 11 U.S.C. Section 1325(a)(3) as well as the purpose and spirit of the Bankruptcy Code.

WHEREFORE, Creditor prays for an Order denying confirmation, along with such further relief as the Court may deem proper.

/s/ KENT D. MCPHAIL

KENT D. MCPHAIL
MS BAR NO. 2800

Of Counsel:
Kent McPhail & Associates, LLC

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing instrument was served this 27th day of June 2019, to the parties listed below by the service method indicated:

U.S. MAIL FIRST CLASS POSTAGE PREPAID
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/s/ KENT D. MCPHAIL
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